

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

FRANK JOHNSON,

Petitioner,

v.

Civil Action No. **3:20CV412**

JUSTIN F. ANDREWS,

Respondent.

MEMORANDUM OPINION

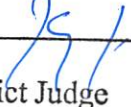
The petitioner, a District of Columbia Code Offender incarcerated in the Federal Correctional Complex in Petersburg, Virginia, proceeding *pro se*, filed this petition under 28 U.S.C. § 2241 (“§ 2241 Petition”), alleging that the Bureau of Prisons (“BOP”) “unlawfully t[ook] good conduct time” from him. (ECF No. 1, at 3.) On September 8, 2020, the respondent moved to dismiss arguing that the petitioner’s sentence had been properly calculated. (ECF No. 6.) By Memorandum Opinion and Order entered on July 12, 2021, the Court denied the respondent’s Motion to Dismiss without prejudice and directed the respondent to file a Motion for Summary Judgment. (ECF Nos. 8, 9.) On July 26, 2021, counsel for the respondent notified the Court that while preparing her Motion for Summary Judgment, she learned that the petitioner was released from custody on September 23, 2020. (ECF No. 10, at 1.)

By Memorandum Order entered on August 9, 2021, the Court directed the petitioner, within eleven (11) days of the date of entry thereof, to show cause why the present action should not be dismissed as moot, *see Spencer v. Kemna*, 523 U.S. 1, 10 (1998); *Wallace v. Jarvis*, 423 F. App’x 328, 328 (4th Cir. 2011) (citations omitted), or, alternatively, for failure to update his address with the Court. At that time, the Court expressly warned the petitioner that if he failed to respond, the action would be dismissed without prejudice.

More than eleven days have passed since the August 9, 2021 Memorandum Order. The petitioner has not responded to the August 9, 2021 Memorandum Order, or otherwise communicated with the Court. The petitioner's failure to update his address or otherwise contact the Court indicates his lack of interest in litigating this action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. The respondent's Motion for Summary Judgment (ECF No. 13) will be DENIED AS MOOT.

An appropriate order shall accompany this Memorandum Opinion.

Date: 21 October 2021
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
United States District Judge